IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3186 OF 2007

Murad Ibrahim Parkar ....Petitioner.
V/s
Jalil Hasan Mores & Ors.... ....Respondents.

Mr.C.K.Pendse i/by Jyoti Chavan, Adv. for the petitioner.

Mr.S.S.Pakale, Adv. For respondent No.1.

CORAM: A.P.DESHPANDE, J.
19/7/07

PC:

Heard.

The petitioner who has lost gram panchayat election has filed the election petition calling in question the results declared of the said election. The petitioner by moving an application before the trial Court prayed for recount of votes as the difference between the votes obtained by the petitioner and the elected candidate is only of two votes. Rejection of the said application by the trial Court is on the ground that the petitioner has failed to make an application as contemplated by Rule 35 of the Bombay Village Panchayat Election Rules, 1959. Learned counsel for the petitioner has submitted that the election result was declared on 18.10.02 and after declaration of the result he did try to submit application for recount but the same was not accepted by the Returning Officer. Hence he has made a complaint to the Collector on

21.10.02. Perusal of the complaint filed by the petitioner reveals that there not even a whisper in the said application that the petitioner tried to make an application for recount immediately after declaration of the result and the Returning Officer has refused to accept the same. In the absence of such averment the trial Court has categorically observed that no such application for recount was made by the petitioner and thus proceeded to reject the same. Perused the order. Order is in conformity with the law laid down by a judgment of the Apex Court in the case of ***Duryodhan Mahadev Kale & Ors.*** V/s ***Election Returning Officer, Grampanchayat Redni & Ors.,*** 2004 (2) Mh.L.J. 861. There is no case for interference made out. Hence writ petition is summarily dismissed.

19.7.07